

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
JEANNE LAFRANTZ,

Plaintiff,

vs.

ST. MARY’S ROMAN CATHOLIC CHURCH,  
DIOCESE OF BROOKLYN,

Defendants.  
----- X

Case No.: 21-cv-04920-NG-CLP

**ANSWER AND AFFIRMATIVE DEFENSES**

Defendant The Roman Catholic Diocese of Brooklyn, New York (the “Brooklyn Diocese”) s/h/a the Diocese of Brooklyn, by and through its undersigned attorneys, as and for its Answer to plaintiff Jeanne LaFrantz’s (“LaFrantz”) First Amended Complaint (the “Complaint”), hereby responds as follows:

**NATURE OF THE CLAIM**

1. Paragraph 1 of the Complaint purports to define the nature of LaFrantz’s claims, to which no response is required. To the extent a response is required, the Brooklyn Diocese admits LaFrantz purports to bring this action under New York’s Child Victims Act because she was a minor at the time of the alleged incidents.

2. The allegations contained in Paragraph 2 of the Complaint are legal conclusions to which no response is required. To the extent that a response is required, the Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint.

3. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint.

4. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint.

5. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint, except to admit that Father Campbell was a Roman Catholic priest at one point in time.

6. The Brooklyn Diocese denies the allegations contained in Paragraph 6 of the Complaint.

7. Paragraph 7 of the Complaint purports to define the scope of LaFrantz's claims, to which no response is required. To the extent a response is required, the Brooklyn Diocese acknowledges that the Complaint includes the causes of actions outlined in Paragraph 7 and further states that all causes of action other than negligence have been dismissed as further set forth in the Court's Memorandum & Order dated January 19, 2024, ECF No. 70.

### **PARTIES**

8. The Brooklyn Diocese repeats and realleges its responses to the allegations contained in Paragraph 1 through 7 as if fully set forth herein.

9. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. The Brooklyn Diocese admits that it is a domestic not-for-profit corporation formed pursuant to the Religious Corporations Law with its principal office located at 310 Prospect Park West, Brooklyn, New York and denies the remainder of the allegations contained in Paragraph 10 of the Complaint.

11. The Brooklyn Diocese denies the allegations contained in Paragraph 11 of the Complaint, except to admit that St. Mary's Roman Catholic Church Long Island City, Queens

County is a domestic not-for-profit corporation formed pursuant to the Religious Corporations Law.

### **JURISDICTION AND VENUE**

12. The Brooklyn Diocese repeats and realleges its responses to the allegations contained in Paragraph 1 through 11 as if fully set forth herein.

13. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint, except to admit that LaFrantz seeks in excess of \$75,000 in this lawsuit.

14. The allegations contained in Paragraph 14 of the Complaint are legal conclusions to which no response is required. To the extent that a response is required, the Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint, except to admit that the Brooklyn Diocese maintains its principal place of business within Brooklyn, New York.

### **FACTS COMMON TO ALL COUNTS**

15. The Brooklyn Diocese denies the allegations contained in Paragraph 15 of the Complaint, except to admit that Father Campbell was a Roman Catholic priest at one point in time.

16. The Brooklyn Diocese denies the allegations contained in Paragraph 16 of the Complaint.

17. The Brooklyn Diocese denies the allegations contained in Paragraph 17 of the Complaint.

18. The Brooklyn Diocese denies the allegations contained in Paragraph 18 of the Complaint.

19. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint.

21. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint.

22. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint.

24. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the Complaint.

25. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint.

27. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint.

28. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint.

29. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint.

30. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint.

31. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Complaint.

32. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint.

33. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.

34. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of the Complaint.

35. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint.

37. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint.

38. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the Complaint.

39. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of the Complaint.

40. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint.

43. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint.

44. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint.

46. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the Complaint.

47. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint.

48. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of the Complaint.

49. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of the Complaint.

53. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. The Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of the Complaint.

56. The Brooklyn Diocese denies the allegations contained in Paragraph 56 of the Complaint.

57. The allegations contained in Paragraph 57 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 57 of the Complaint.

58. The allegations contained in Paragraph 58 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning LaFrantz's alleged injuries and denies the remainder of the allegations contained in Paragraph 58 of the Complaint.

**FIRST CAUSE OF ACTION**  
**NEGLIGENCE**

59. The Brooklyn Diocese repeats and realleges its responses to the allegations contained in Paragraph 1 through 58 as if fully set forth herein.

60. The allegations contained in Paragraph 60 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 60 of the Complaint.

61. The Brooklyn Diocese denies the allegations contained in Paragraph 61 of the Complaint.

62. The Brooklyn Diocese denies the allegations contained in Paragraph 62 of the Complaint.

63. The allegations contained in Paragraph 63 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 63 of the Complaint.

64. The allegations contained in Paragraph 64 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 64 of the Complaint.

65. The allegations contained in Paragraph 65 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 65 of the Complaint.

66. The Brooklyn Diocese denies the allegations contained in Paragraph 66 of the Complaint.

67. The Brooklyn Diocese denies the allegations contained in Paragraph 67 of the Complaint.

68. The Brooklyn Diocese denies the allegations contained in Paragraph 68 of the Complaint.



69. The Brooklyn Diocese denies the allegations contained in Paragraph 69 of the Complaint.

70. The Brooklyn Diocese denies the allegations contained in Paragraph 70 of the Complaint.

71. The allegations contained in Paragraph 71 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 71 of the Complaint.

72. The allegations contained in Paragraph 72 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 72 of the Complaint.

73. The Brooklyn Diocese denies the allegations contained in Paragraph 73 of the Complaint.

74. The allegations contained in Paragraph 74 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 74 of the Complaint.

75. The allegations contained in Paragraph 75 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 75 of the Complaint.

76. The allegations contained in Paragraph 76 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 76 of the Complaint.

77. The Brooklyn Diocese denies the allegations contained in Paragraph 77 of the Complaint.

78. The allegations contained in Paragraph 78 of the Complaint (and all of its subparagraphs) are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 78 including all subparagraphs.

79. The allegations contained in Paragraph 79 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 79 of the Complaint.

80. The allegations contained in Paragraph 80 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 80 of the Complaint.

81. The allegations contained in Paragraph 81 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning LaFrantz's alleged injuries and denies the remainder of the allegations contained in Paragraph 81 of the Complaint.

82. The allegations contained in Paragraph 82 of the Complaint are legal conclusions to which no response is required. To the extent a response is required, the Brooklyn Diocese denies the allegations contained in Paragraph 82 of the Complaint.

**SECOND CAUSE OF ACTION**  
**NEGLIGENT TRAINING/SUPERVISION/RETENTION**

83. The Brooklyn Diocese repeats and realleges its responses to the allegations contained in Paragraph 1 through 82 as if fully set forth herein.

84. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 84 of the Complaint.

85. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 85 of the Complaint.

86. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 86 of the Complaint.

87. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 87 and all subparagraphs therein of the Complaint.

88. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 88 of the Complaint.

89. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 89 of the Complaint.

90. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 90 of the Complaint.

91. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 91 of the Complaint.

92. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 92 of the Complaint.

93. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 93 of the Complaint.

94. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 94 of the Complaint, except to deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the Complaint concerning LaFrantz's alleged injuries.

95. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 95 of the Complaint.

**THIRD CAUSE OF ACTION**  
**GROSS NEGLIGENCE**

96. The Brooklyn Diocese repeats and realleges its responses to the allegations contained in Paragraph 1 through 95 as if fully set forth herein.

97. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 97 of the Complaint.

98. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 98 of the Complaint.

99. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 99 of the Complaint.

100. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 100 of the Complaint.

101. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 101 of the Complaint.

102. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 102 of the Complaint.

103. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 103 of the Complaint.

104. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 104 of the Complaint.

105. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 105 of the Complaint.

106. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 106 of the Complaint.

107. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 107 of the Complaint.

108. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 108 of the Complaint.

109. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 109 of the Complaint.

110. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 110 of the Complaint.

111. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 111 of the Complaint.

**FOURTH CAUSE OF ACTION**  
**PREMISES LIABILITY**

112. The Brooklyn Diocese repeats and realleges its responses to the allegations contained in Paragraph 1 through 111 as if fully set forth herein.

113. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 113 of the Complaint.

114. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 114 of the Complaint.

115. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 115 of the Complaint.

116. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 116 of the Complaint.

117. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 117 of the Complaint.

118. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 118 of the Complaint.

**FIFTH CAUSE OF ACTION**  
**BREACH OF FIDUCIARY DUTY**

119. The Brooklyn Diocese repeats and realleges its responses to the allegations contained in Paragraph 1 through 118 as if fully set forth herein.

120. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 120 of the Complaint.

121. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 121 of the Complaint, except to deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 concerning LaFrantz's age.

122. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 122 of the Complaint.

123. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 123 of the Complaint.

124. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 124 of the Complaint.

125. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 125 of the Complaint.



126. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 126 of the Complaint.

127. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 127 of the Complaint.

128. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 128 of the Complaint.

129. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 129 of the Complaint.

130. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 130 of the Complaint.

131. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 131 of the Complaint.

132. No response is required because this Cause of Action has been dismissed pursuant to the Court's January 19, 2024 Memorandum and Order, ECF No. 70. To the extent a response is required, the Brooklyn Diocese denies the allegations in Paragraph 132 of the Complaint.

133. The Brooklyn Diocese denies the allegations contained in Paragraph 133 of the Complaint (and all of its subparagraphs).

**PRAYER FOR RELIEF AND JURY DEMAND**

134. The Brooklyn Diocese denies that LaFrantz is entitled to any of the relief requested in Paragraph 134 of the Complaint.

135. The Brooklyn Diocese acknowledges that LaFrantz seeks a jury trial.

**AFFIRMATIVE DEFENSES**

The Brooklyn Diocese asserts the following affirmative defenses and reserves the right to assert any and all additional affirmative defenses that discovery or other evidence may reveal to be appropriate.

**First Affirmative Defense**

The Complaint fails to state a cause of action for which relief can be granted against the Brooklyn Diocese.

**Second Affirmative Defense**

Plaintiff's loss, injury and damages, if any, was solely caused by the actions of a third party and were not proximately caused by any culpable conduct on the part of the Brooklyn Diocese.

**Third Affirmative Defense**

Plaintiff has failed to join all necessary parties.

**Fourth Affirmative Defense**

The Brooklyn Diocese's liability is limited by the provisions of CPLR Article 16.

**Fifth Affirmative Defense**

Any verdict, judgment or decision that might be obtained by plaintiff against the Brooklyn Diocese shall be reduced by the amount of any collateral source payments received by plaintiff pursuant to CPLR 4545(a), as determined by the Court.

**Sixth Affirmative Defense**

The Brooklyn Diocese is not the cause of any damages allegedly sustained by plaintiff.

**Seventh Affirmative Defense**

Plaintiff's alleged damages were sustained as a result of unforeseeable, intervening causes. The Brooklyn Diocese is not the proximate cause of any damages allegedly sustained by plaintiff.

**Eighth Affirmative Defense**

Plaintiff's alleged injuries and damages were not caused by any negligence or breach of duty by the Brooklyn Diocese, but were caused by reason of the negligence, culpable conduct, or breach of duty of third parties, their agents, servants, or employees, over whom the Brooklyn Diocese exercises no control.

**Ninth Affirmative Defense**

Pursuant to New York General Obligations Law § 15-108, if plaintiff settles with other tortfeasors, the Brooklyn Diocese's exposure, if any, shall be reduced accordingly.

**Tenth Affirmative Defense**

Should the Brooklyn Diocese be found liable to plaintiff, the Brooklyn Diocese is entitled to a credit or offset, as set forth in CPLR 1401, for any and all sums that plaintiff has received or may hereafter receive, by way of any and all settlements arising from plaintiff's claims and causes of action.

**Eleventh Affirmative Defense**

Plaintiff is barred from seeking all or part of the damages sought herein as a result of plaintiff's failure to mitigate the damages allegedly sustained.

**Twelfth Affirmative Defense**

In the event that it is determined that the acts and occurrences alleged in the Complaint occurred and were undertaken by an employee of the Brooklyn Diocese, those actions were outside the scope of the authority and employment of such employee, performed for a purpose foreign to any employment with the Brooklyn Diocese, and were not ratified or consented to by the Brooklyn Diocese.

**Thirteenth Affirmative Defense**

The Brooklyn Diocese's adoption of and compliance with the religious and canonical customs, norms and usages of the Roman Catholic Church and its compliance with and its determinations made under Canon Law are protected by the First Amendment of the United States Constitution and Article I, §§ 3 and 11 of the New York State Constitution.

**Fourteenth Affirmative Defense**

The Complaint fails to plead all necessary predicate acts under CPLR 214-g, and/or is not revived by that statute.

**Fifteenth Affirmative Defense**

As a consequence of the unconstitutionality of the Child Victims Act, as set forth in the other affirmative defenses herein, the Complaint's allegations are barred by the applicable statute of limitations and the doctrine of laches.

**Sixteenth Affirmative Defense**

This action pursuant to the Child Victims Act and CPLR 214-g is unconstitutional facially and as applied to revive claims previously dismissed as time-barred, in violation of the United States Constitution, Article 1, § 9, cl. 3 prohibiting the passage of any ex post facto law.

**Seventeenth Affirmative Defense**

This action pursuant to the Child Victims Act and CPLR 214-g is unconstitutional facially and as applied to revive claims previously dismissed as time-barred, in violation of the Brooklyn Diocese's due process rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Article I, § 6 of the New York Constitution, and equal protection rights guaranteed by Article I, § 11 of the New York Constitution and Fourteenth Amendment to the United States Constitution.

**Eighteenth Affirmative Defense**

The Brooklyn Diocese will seek dismissal of this action in the event that a court determines that CPLR 214-g is unconstitutional for any reason.

**Nineteenth Affirmative Defense**

Any imposition of liability, damages, penalties or other relief against the Brooklyn Diocese for the negligent, intentional, malicious, criminal and/or other acts or omissions of parties not subject to the Brooklyn Diocese's control or authority would violate the Brooklyn Diocese's procedural and substantive due process rights under the Fourteenth Amendment to the United States Constitution and Article I, § 6 of the New York State Constitution.

WHEREFORE, the Brooklyn Diocese respectfully request that this Court enter judgment as follows:

1. dismissing the Complaint in its entirety and with prejudice;
2. awarding the Brooklyn Diocese its costs of suit including reasonable attorneys' fees and defense costs; and
3. for such other and further relief as the Court deems just and proper.

Dated: April 10, 2024  
New York, New York

KELLEY DRYE & WARREN LLP

By: /s/ Randall L. Morrison, Jr.  
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